

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 1999-003-E - ORDER NO. 1999-389
JUNE 8, 1999

IN RE: Annual Review of Base Rates for Fuel Costs) ORDER APPROVING
of Duke Power Company.) BASE RATES FOR
) FUEL COSTS

On May 19, 1999, the Public Service Commission of South Carolina (the Commission) held a public hearing on the issue of the recovery of the costs of fuel used in electric generation by Duke Power, a division of Duke Energy Corporation (Duke or the Company), to provide service to its South Carolina retail customers. The procedure followed by the Commission is set forth in S.C. Code Ann. Section 58-27-865 (Supp. 1998). The review in this case uses the actual fuel revenues and expenses from April 1998 through March 1999 to determine an appropriate fuel factor for the period of June 1, 1999 through May 31, 2000.

At the public hearing, William F. Austin, Esquire and Jefferson D. Griffith, Esquire, represented the Company; Nancy V. Coombs, Esquire and Hana Pokorna-Williamson, Esquire, represented the Intervenor, the Consumer Advocate for the State of South Carolina (the Consumer Advocate); and F. David Butler, General Counsel, represented the Commission Staff. The record before the Commission consists of the testimony of two witnesses on behalf of the Company, two witnesses on behalf of the Commission Staff, and four (4) hearing exhibits.

Based upon the evidence of the record, the Commission makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. The record of this proceeding indicates that for the period from April 1998 through March 1999, the Company's actual total fuel costs for its electric operations amounted to \$714,456,387. Hearing Exhibit No. 3, Accounting Exhibit E.

2. Staff reviewed and compiled a percentage generation mix statistic sheet for the Company's fossil, nuclear and hydro-electric plants for April 1998 through March 1999. The fossil generation ranged from a high of 62% in June 1998 to a low of 42% in January and February 1999. The nuclear generation ranged from a high of 56% in January and February 1999 to a low of 38% in June 1998. The percentage of generation by hydro ranged from 0% to 4% for this period. Hearing Exhibit No. 4; Utilities Department Exhibit No. 3.

3. During the April 1998 through March 1999 period, coal suppliers delivered 17,149,796.46 tons of coal. The Commission Staff's audit of the Company's actual fuel procurement activities demonstrated that the average monthly cost of coal varied from \$34.09 per ton in February 1999 to \$36.09 per ton in January 1999. Hearing Exhibit No. 3, Accounting Exhibit A.

4. Staff collected and reviewed certain generation statistics of major Company plants for the twelve months ending March 31, 1999. Hearing Exhibit No. 4, Utilities Department Exhibit No. 4. The nuclear fueled Catawba Plant was lowest cost at

0.42 cents per kilowatt-hour. The highest amount of generation was 18,668,744 megawatt-hours produced at the nuclear fueled Oconee Plant.

5. The Commission Staff conducted an extensive review and audit of the Company's fuel purchasing practices and procedures for the subject period. The Staff's accounting witness, Jacqueline R. Cherry, testified that the Company's fuel costs were supported by the Company's books and records. Testimony of Cherry, Hearing Exhibit No. 3; Accounting Department Exhibits.

6. The Commission recognizes that the approval of the currently effective methodology for recognition of the Company's fuel costs require the use of anticipated or projected costs of fuel. The Commission further recognizes the fact inherent in the utilization of a projected average fuel cost for the establishment of the fuel component in the Company's base rates that variations between the actual costs of fuel and projected costs of fuel would occur during the period and would likely exist at the conclusion of the period. S.C. Code Ann. §58-27-865 establishes a procedure whereby the difference between the recovery of fuel costs through base rates and the actual fuel costs incurred would be accounted for by booking the difference to unbilled revenues with a corresponding deferred debit or credit.

7. The record of this proceeding indicates that the comparison of the Company's fuel revenues and expenses for the period April 1998 through March 1999 produces a cumulative over-recovery of \$13,044,443. Staff added the projected over-

recovery of \$1,063,948 for April 1999 and the projected under-recovery of \$1,693,471 for May 1999 to arrive at a cumulative over-recovery of \$12,414,920. Cherry testimony at 2.

8. The Company's cumulative over-recovery as of March 1999 and over-recovery as of May 1999 differs from Staff's. Staff's figures, per Staff's Report, reflect calculation adjustments made to Purchased Power Costs for the review period, based on Staff's review of Purchased Power invoices and system operation reports. Duke agrees with Staff's adjustment. Accordingly, the Commission accepts Staff's figures, and we will consider the over-recovery of \$12,414,920 along with the anticipated fuel costs for the period June 1, 1999 to May 31, 2000 for the purpose of determining the base costs for fuel in base rates effective June 1, 1999. Cherry testimony at 3.

9. The Company's projected average fuel expense for the June 1999 through May 2000 period is 1.0070 cents per kilowatt-hour. Hearing Exhibit No. 1, Young Exhibit No. 6. However, with Staff's adjustments, the actual fuel expense was 1.001 cents per kilowatt-hour. Hearing Exhibit 4, Utilities Department Exhibit 10.

10. Company witness Steve Young, Vice President, Rates and Regulatory Affairs, proposes that the fuel component of 1.000 cent per kilowatt-hour be continued in base rates, effective June 1, 1999. Young Testimony at 9.

The exhibits of Staff witness A.R. Watts show that if the base fuel component remains at 1.000 cent per kilowatt-hour for this period, it will produce an estimated under-recovery of \$265,020. Hearing Exhibit No. 4, Utilities Department Exhibit No. 10.

11. During the period under review, several outages occurred at the Company's nuclear plants. The Commission Staff looked at each plant outage by review of Company reports and correspondence between the Company and the Nuclear Regulatory Commission (NRC) concerning the outages which required reporting. The Staff then spent time with Company representatives to discuss each outage and the sequence of events which lead to the outage and those which dictated the duration of the outages. The Staff testified that there were no Company actions which subjected Duke's customers to incurring higher fuel costs. The actual average nuclear system capacity factor for the review period is 89.4%. The major fossil units averaged over 95% availability for the majority of the period under review. Testimony of Watts, Hearing Exhibit No. 4, Utilities Department Exhibit No. 2A and 2B. Company witness Young noted that the Company's achieved capacity factor reflecting reasonable outage time was greater than 92.5% for the current period. Testimony of Young at 6, Hearing Exhibit 1, Young Exhibit 4.

CONCLUSIONS OF LAW

1. Pursuant to S.C. Code Ann. Section 58-27-865(B)(Supp. 1998), each electrical utility must submit to the Commission its estimates of fuel costs for the next twelve (12) months. Following an investigation of these estimates, and after a public hearing, the Commission directs each electrical utility "to place in effect in its base rate an amount designed to recover, during the succeeding twelve months, the fuel costs determined by the Commission to be appropriate for that period, adjusted for the over-recovery or under-recovery from the preceding twelve-month period." Id.

2. As stated by the Supreme Court in Hamm v. South Carolina Public Service Commission, 291 S.C. 178, 352 S.E.2d 476, 478 (1987), Section 58-27-865(F) requires the Commission “to evaluate the conduct of the utility in making the decisions which resulted in the higher fuel costs. If the utility has acted unreasonably, and higher fuel costs are incurred as a result, the utility should not be permitted to pass along the higher fuel costs to its customers.” “[T]he rule does not require the utility to show that its conduct was free from human error; rather it must show it took reasonable steps to safeguard against error.” Id. at 478, citing Virginia Electric and Power Co. v. The Division of Consumer Council, 220 Va. 930, 265 S.E.2d 697 (1980).

3. The Commission recognizes that Section 58-27-865(F) provides it with the authority to consider the electrical utility’s reliability of service, its economical generation mix, the generating experience of comparable facilities, and its minimization of the total cost of providing service in determining to disallow the recovery of any fuel costs.

4. Further, S.C. Code Ann. Section 58-27-865(F) (Supp. 1996) provides that:

[t]here shall be a rebuttable presumption that an electrical utility made every reasonable effort to minimize cost associated with the operation of its nuclear generation facility or system.... if the utility achieved a net capacity factor of ninety-two and one-half percent or higher during the period under review. The calculation of the net capacity factor shall exclude reasonable outage time associated with reasonable refueling, reasonable maintenance, reasonable repair, and reasonable equipment replacement outages; the reasonable reduced power generation experienced by nuclear units as they approach a refueling outage; the reasonable reduced power generation experienced by nuclear units associated with bringing a unit back to full power after an outage; Nuclear Regulatory Commission required testing outages unless due to the unreasonable acts of the utility; outages found by the [C]ommission not to be within the reasonable control of the utility; and acts of God. The

calculation also shall exclude reasonable reduced power operations resulting from the demand for electricity being less than the full power output of the utility's nuclear generation system. If a net capacity factor is below ninety-two and one-half percent after reflecting the above specified outage time, then the utility shall have the burden of demonstrating the reasonableness of its nuclear operations during the period under review.

5. This Commission has reviewed, i) all of the evidence of record in this docket, ii) the operating efficiencies of the Company during the review period, and iii) Staff testimony and exhibits and we find that Duke has met the test of the applicable statute. We have reviewed each outage and the sequence of events which led to each outage and conclude that the outages were the result of reasonable maintenance and equipment repair and replacement. We find that there were no acts of the utility which were imprudent or which subjected Duke's customers to incurring higher fuel costs. Therefore, no disallowance of fuel costs during the review period is justified and we find that Duke took reasonable steps to safeguard against error and to minimize the total costs of providing service. We find that the Company's net capacity factor for the review period, adjusted for reasonable refueling and other outages, exceeds the 92.5% threshold required by the statute.

6. After considering the directives of S.C. Code Ann. Section 58-27-865(B) which requires the Commission to place in effect a base fuel cost which allows the Company to recover its fuel costs for the next twelve months adjusted for the over-recovery or under-recovery from the preceding twelve months period, the Commission has determined that the appropriate base fuel factor for the period June 1, 1999 through May 2000 is 1.000 cent per kilowatt-hour. The Commission finds that a 1.000 cent per

kilowatt-hour component will allow Duke to recover its projected fuel costs and, at the same time, prevent abrupt changes in charges to Duke's customers.

IT IS THEREFORE ORDERED THAT:

1. The base fuel factor for the period June 1999 through May 2000 is set at 1.000 cent per kilowatt-hour.
2. Duke shall file an original and ten (10) copies of the fuel rider within ten (10) days of the receipt of this Order.
3. Duke shall comply with the notice requirements set forth in S. C. Code Ann. Section 58-27-865(B) (Supp. 1998).
4. Duke shall continue to file the monthly reports as previously required.
5. Duke shall account monthly to the Commission for the differences between the recovery of fuel costs through base rates and the actual fuel costs experienced by booking the difference to unbilled revenues with a corresponding deferred debit or credit.
6. Duke shall submit monthly reports to the Commission of fuel costs and scheduled and unscheduled outages of generating units with a capacity of 100 MW or greater.

JUNE 8, 1999

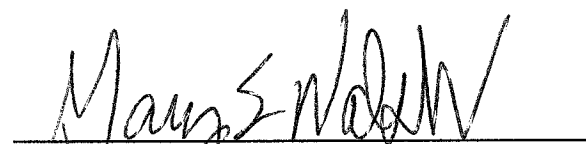
PAGE 9

7. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)